

May 24, 2017

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, May 24, 2017, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
FREDERICK E. EBERLY, Election District #2  
RICKY L. CHANDLER, Election District #3  
MICHAEL A. BREEDEN, Election District #5

WILLIAM B. KYGER, JR., Election District #4 was absent

Also present:

BRYAN F. HUTCHESON, Sheriff

STEPHEN G. KING, County Administrator  
THOMAS H. MILLER, JR., County Attorney  
GEORGE K. ANAS, II, Assistant County Administrator  
CASEY B. ARMSTRONG, Director of Community Development  
PATRICIA D. DAVIDSON, Director of Finance  
BARRY E. HERTZLER, Director of Public Works  
RHONDA H. COOPER, Director of Planning  
DIANA C. STULTZ, Zoning Administrator  
KELLY S. GETZ, Code Compliance Officer  
JAMES B. MAY, Senior Planner  
JESSICA G. KILBY, Deputy Clerk  
DONALD F. KOMARA, Residency Administrator  
Virginia Department of Transportation  
C. BURGESS LINDSEY, Assistant Residency Administrator  
Virginia Department of Transportation

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**CALL TO ORDER  
INVOCATION  
PLEDGE OF ALLEGIANCE.**

Chairman Chandler called the meeting to order at 6:02 p.m. Administrator King paused for a moment of silence in memory of Carroll Ray Baugher, former Chief of the Elkton Emergency Squad, followed by the Invocation. Community Development Director Armstrong led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Breeden, seconded by Supervisor Eberly, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - ABSENT; the Board approved the minutes of the regular meeting of May 10, 2017.

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**RESOLUTION RECOGNIZING WILLIAM G. O'BRIEN - SHENANDOAH VALLEY REGIONAL AIRPORT**

Gregory W. Campbell, Executive Director of the Shenandoah Valley Regional Airport and Airport Commission members Mike Heatwole and Maggie Reagan presented Mrs. Jeanie O'Brien and members of the O'Brien family with a Resolution, commending and memorializing the service of William G. O'Brien to the Shenandoah Valley Regional Airport Commission.

Ms. Reagan read the resolution, followed by Supervisor Cuevas' request to include the resolution in the Board minutes.

On motion by Supervisor Cuevas, seconded by Supervisor Eberly, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - ABSENT; the Board requested the following Resolution be included in the minutes of the May 10, 2017, Board of Supervisors meeting:

**RESOLUTION**

**Whereas**, at a regular meeting of the Shenandoah Valley Regional Airport Commission held on March 3, 2017 and,

**Whereas**, Mr. William G. O'Brien was appointed in December 2000, as the representative of Rockingham County to the Shenandoah Valley Regional Airport Commission and,

**Whereas**, Mr. O'Brien served as Vice Chairman of the Airport Commission for over sixteen years and,

**Whereas**, Mr. O'Brien gave generously of his time and talents, for the benefit and advancement of the Shenandoah Valley Regional Airport and,

**Whereas**, Mr. O'Brien, used his extensive knowledge obtained over many years of public service to help guide and advance the Shenandoah Valley Regional Airport Commission and,

**Whereas**, Mr. O'Brien made significant contributions regarding the extensive planning, development and expansion of the Airport, its facilities and services during his tenure with the Commission and,

**Whereas**, Mr. O'Brien forged strong relationships between the Airport, Rockingham County, member jurisdictions and the Commonwealth of Virginia and,

**Whereas**, the Shenandoah Valley Regional Airport Commission wishes to recognize Mr. O'Brien for his dedication, leadership and many contributions,

**Whereas**, Mr. William G. O'Brien left us far too soon, is forever woven into the fabric of this Commission, and will be missed by one and all,

**NOW THEREFORE, BE IT RESOLVED**, that the Shenandoah Valley Regional Airport Commission recognizes this extraordinary individual for his many years of service to the Shenandoah Valley Regional Airport Commission.

Adopted by the Shenandoah Valley Regional Airport Commission on March 3, 2017.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara’s report on the activities of the Transportation Department including updates on several bridge, road, and maintenance projects.

He reported that bids will soon be requested for repairs to the shared bridge on East Point Road (Route 602) at the Rockingham/Page County line.

Mr. Komara said a public hearing for secondary roads will be held during the June 14, 2017, Board meeting. He plans to have proposals ready to review with Administrator King next week.

Supervisor Breeden indicated increased traffic and speeding are issues on Slate Road (Route 842). He suggested the Sheriff watch for speeding in that area. Mr. Komara reported that a section of road between McGaheysville Road (Route 996) and Spotswood Trail (Route 33) was reduced to 40 miles per hour. Additionally, Mr. Komara reported that a left turn lane will be added to the first crossover east of the Spotswood High School entrance on Spotswood Trail, where vehicles make U-turns.

Supervisor Breeden requested no parking signs at the entrance to the Waste Treatment Plant at MillerCoors on East Side Highway (Route 340). He said truck drivers pull off at the entrance to check axles and complete paperwork and block the view for the waste treatment employees exiting the plant onto Route 340.

Chairman Chandler reported that he previously spoke with Mr. Komara regarding a possible speed reduction and brush cutting at the intersection of Goods Mill Road (Route 708) and Charlie Town Road (Route 676), speed reduction on East Side Highway (Route 340) at the Grottoes town limits, and on Port Republic Road (Route 253), and a request for speed limit signs in Port Republic Village.

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**RECESS.**

Chairman Chandler recessed the meeting at 6:20 p.m. for a special meeting of the Penn Laird Sewer Authority.

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**COUNTY ADMINISTRATOR’S STAFF REPORT.**

At 6:21 p.m. Chairman Chandler reconvened the regular meeting. The Board received and reviewed Administrator King’s staff report dated May 19, 2017.

Administrator King brought attention to the School’s surplus property memo included in his staff report. Supervisor Breeden reported that the School Board no longer uses the Recreation Building at Elkton Elementary School, which has been used by the Town of Elkton for 15 years. The School Board declared the property surplus on May 8, 2017, and returned it to the County. Supervisor Breeden reported that the Town of Elkton has assumed expenses and repairs of the building for a number of years, and said it makes sense for the Town to take ownership.

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Cuevas, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – ABSENT; the Board declared the Recreation Building located at 300 B Street, Elkton, Virginia, Tax Map # 13181-(5) B 3 L A as surplus property, and authorized staff to take the necessary steps to transfer the deed to the Town of Elkton.

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**FINANCE DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Davidson’s staff report dated May 24, 2017.

Mrs. Davidson pointed out that, although the new water and sewer rates for Three Springs go into effect on July 1, citizens will not see the change until the September billing cycle.

She also requested the Board take action regarding the Asphalt/Overlay Repair on Walton Way. Mrs. Davidson reported that one bid was received for the project from Partners Excavating for \$53,166.

On motion by Supervisor Breeden, seconded by Supervisor Eberly, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - ABSENT; the Board declared the following items surplus to be disposed of through the public surplus auction website or to be discarded:

Items to Declare Surplus – May 2017

| <b>Description</b>           | <b>Quantity</b> |
|------------------------------|-----------------|
| Desk Chairs                  | 11              |
| Book Case                    | 1               |
| Filing Cabinet               | 1               |
| Box of Misc. Items           | 1               |
| Coats Direct Drive           | 1               |
| Tall Office Chair            | 1               |
| Bumper Pool Table            | 1               |
| Computer Table/Printer Table | 1               |

Items to Discard – May 2017

Two Lots of Printers

Administrator King credited Billie Jo Fulk for overseeing an efficient online process for disposing of surplus property. The online process eliminates the accumulation of property to be sold during the School’s surplus action once a year, he said.

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On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Cuevas, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - ABSENT; the Board authorized staff to accept the bid from Partners Excavating for \$53,166 for the Asphalt/Overlay Repair of Walton Way.

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**FINANCE COMMITTEE REPORT.**

On behalf of the Finance Committee, Supervisor Breeden made a motion to appropriate the FY 2017-2018 Budget. Supervisor Eberly seconded the motion.

Carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – ABSENT; the Board appropriated the FY 2017-2018 Budget as adopted on April 26, 2017, as follows:

**ANNUAL APPROPRIATION FOR 2017-2018 BUDGET**

GENERAL FUND

|                                   |                       |
|-----------------------------------|-----------------------|
| General Government Administration | \$ 6,653,019          |
| Judicial Administration           | 4,325,410             |
| Public Safety                     | 31,569,941            |
| Public Works                      | 2,741,657             |
| Human Services                    | 2,110,390             |
| Parks, Recreation & Cultural      | 2,552,573             |
| Community Development             | 2,460,400             |
| Contributions                     | 594,513               |
| Contingency                       | 304,557               |
| Other Expenses                    | 80,000                |
| Transfers to Other Funds          | 66,990,301            |
| Debt Service – County             | 2,186,118             |
| Debt Service – Schools            | 8,010,960             |
| <b>TOTAL GENERAL FUND</b>         | <b>\$ 130,579,839</b> |

|  |                       |
|--|-----------------------|
| Capital Projects Fund                            | \$ 550,000            |
| School Capital Projects Fund                     | 19,363,000            |
| School Fund                                      | 137,268,400           |
| School Cafeteria Fund                            | 5,460,535             |
| School Textbook Fund                             | -                     |
| Massanutten Technical Center Fund                | 5,913,027             |
| Asset Forfeiture Fund                            | 115,900               |
| Harrisonburg-Rockingham Social Services District | 18,029,644            |
| Harrisonburg-Rockingham Children's Services Act  | 9,287,883             |
| Central Stores Fund                              | 45,000                |
| Self-Funded Health Insurance Plan Fund           | 29,956,000            |
| Water & Sewer Utilities Fund                     | 14,054,087            |
| Lilly Subdivision Sanitary District              | 53,740                |
| Smith Creek Water & Wastewater Authority         | 414,943               |
| Countryside Sanitary District                    | 19,042                |
| Penn Laird Sewer Authority                       | 29,024                |
| Solid Waste Fund                                 | 4,682,958             |
| Laird L Conrad Law Library Fund                  | 50,585                |
| Economic Development Authority                   | 7,500                 |
| Human Resources Rental Fund                      | 232,774               |
| Emergency Medical Services Transportation Fund   | 1,460,000             |
| <b>TOTAL EXPENDITURES</b>                        | <b>\$ 377,573,881</b> |

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**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Armstrong's staff report dated May 24, 2017.

Community Development Director Armstrong reported that staff received one bid for the Reservoir Street road improvement project from A&J Development and Excavating for \$3,578,762.99. Staff, along with project engineers McCormick Taylor, have reviewed the bid and recommended awarding the project to A&J Excavating and Development, he said.

On motion by Supervisor Eberly, seconded by Supervisor Breeden, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - ABSENT; the Board authorized staff to accept the bid from A&J Development and Excavating for \$3,578,762.99 for the Reservoir Street road improvement project.

Administrator King indicated that the Reservoir Street Project should be completed by January 31, 2018. He pointed out that when the decision was made not to replace the Deputy County Administrator, Community Development staff stepped up and took ownership of the project, along with the Massanetta Springs and Route 33 East turn lane projects.

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**CLOSED MEETING.**

On motion by Supervisor Breeden, seconded by Supervisor Eberly, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - ABSENT; the Board recessed the meeting from 6:32 p.m. to 6:56 p.m., for a closed meeting pursuant to 2.2-3711. A (1), Discussion of the assignment, promotion, demotion, performance, salary, discipline or resignation of a specific officer, appointee or employee.

MOTION: SUPERVISOR EBERLY            RESOLUTION NO: 17-07  
SECOND: SUPERVISOR BREEDEN        MEETING DATE: MAY 24, 2017

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:  
AYES:            BREEDEN, CHANDLER, CUEVAS, EBERLY  
NAYS:            NONE  
ABSENT:        KYGER

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**PUBLIC HEARING – REZONINGS.**

At 7:00 p.m., Chairman Chandler opened the public hearing and Mr. May reviewed the following rezoning requests:

REZ17-056 Hickory Hollow Christian School, 7603 Smiley Lane, Bridgewater, VA 22812, to rezone a 0.641-acre portion of TM# 123-(A)- L3A, located northwest of Mason Street (Route 257) approximately 700 feet northeast of Limestone Lane (Route 737), from General Agricultural District (A2) to Neighborhood Business District with conditions (B2-C). The Comprehensive Plan identifies this area as Mixed Use. Election District 2.

Richard Johnson of Blackwell Engineering was present to answer questions on behalf of Hickory Hollow Christian School. Mr. Johnson pointed out that the building is located in the County, across the street from the Town of Dayton. He said discussions for Town water and sewer hookup are occurring.

No one spoke in opposition to the request.

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REZ17-058 Bethel Bend Farm, Inc. 1147 Bethel Church Rd., Elkton VA 22827, to rezone a 7.7-acre portion of TM#114-(A)-L127, located on the south side of Bethel Church Road approximately 1100' west of River Road, from Prime Agricultural (A-1) to General Agricultural (A-2). The Comprehensive Plan identifies this area as Agricultural Reserve. Election District 5.

Senior Planner May pointed out that the rezoning request is a result of a zoning violation and the applicant seeks to bring his existing business into compliance.

Mr. May noted that several written comments were received, in favor of and in opposition to the rezoning request, which were previously provided to the Board.

The applicant, Willis Heatwole, stated that once he was aware he was in violation of the County's zoning ordinance, he immediately began the process to obtain the proper permits. He expressed appreciation to all County staff involved for their work during the process.

Numerous individuals spoke in favor of REZ17-058 to include: Lawrence Hensley, Garfield Freeze, Jr., Allen Nicholson, Alec Bauserman, and M.L. Monger, Jr. Those in favor spoke highly of Mr. Heatwole's character, work ethic, facility cleanliness; environmental awards received, along with the importance of the service he provides to the community, specifically the agricultural community. Additionally, Mr. Hensley pointed out that the architectural design of the repair shop fits in well with its surroundings. He said the stream on Mr. Heatwole's property has received numerous clean water awards. Mr. Freeze indicated this is a top-notch operation, which is a necessity in the County. As far as noise is concerned, Mr. Nicholson said there is no additional noise with this motor repair shop than that of the existing poultry operation. Mr. Bauserman emphasized that he could not be in business as a farmer without his farm truck, which Mr. Heatwole has repaired numerous times over the years.

Bill Butler voiced concerns over the rezoning request. He said he lives one mile from the Heatwole property. He pointed out that it is not his intention to impugn the Heatwoles. His concerns pertain to zoning issues in the County. He noted that Mr. Heatwole has been in violation for several years and questioned the accountability for what was not done properly. He said there is "spot-zoning" in the County and it concerns him.

Joel Baugher spoke in opposition to the rezoning. He pointed out that Mr. Heatwole has been in violation for years. He said Mr. Heatwole has already completed a business road without VDOT permission, creating a hazard, and dust which covers his parent's home across from the Heatwoles. Mr. Baugher stated that Mr. Heatwole ran a 12-foot drainage pipe that flows into Quail Run, presumably carrying farm waste and residue into a shared stream. He reiterated that the repair shop and road are already built, the run-off is already in the environment, and Mr. Heatwole plans to expand, all without permission from the Board. He said the fact that the repair shop is isolated from the Board of Supervisors, does not mean it is isolated from neighbors. The repair shop is one mile from property zoned for businesses and would be a better fit there, he said.

Andrew Baugher spoke in opposition to the request. His parents are adjacent landowners. He encouraged the Board to consider the fact that the property in the request is zoned agricultural reserve. He stated that uses, which support agriculture are appropriate for

the area, provided there is proper infrastructure and buffering. He pointed out that there is no buffering and stated that the applicant has no proffers associated with the request. Related to infrastructure, Mr. Baugher stated that Bethel Church Road has a sharp 90-degree curve near the entrance to the repair shop. He said that because people have to slow down around that bend does not mean this is a safe place for more traffic. Mr. Baugher said that proper infrastructure and buffering do not exist and encouraged denial of the rezoning request.

Adjacent landowner Craig Baugher stated that an auto repair shop does not fit into the area. He said the repair shop has changed the character of the area and additional traffic on the busy road is a problem. He said the shop would be no less convenient one mile away where property is zoned for business use. Mr. Baugher stated that Mr. Heatwole has bypassed all procedures required by the County to establish a business, and so he questions whether Mr. Heatwole will disregard conditions that would apply to a special use permit if approved. He also expressed concerns about property values, possible flooding, and future expansion. He said that singling out one parcel of land for a specific use devalues all other properties, while benefiting the property owner seeking to rezone.

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Senior Planner May reviewed REZ17-061.

REZ17-061 TMC Harrisonburg, LLC, 10100 Business Parkway, Lanham, MD 20706, to rezone 33.055 acres, TM# 125-(A)- L213, 125-(A)- L214, 125-(A)- L215, and 126-(A)- L3, located southwest of Spotswood Trail (Route 33) north and south of Stone Spring Road (Rt 280), from General Business with conditions (B1-C) to General Business with Conditions (B1-C). The Comprehensive Plan identifies this area as Mixed Use. Election District 3.

Chairman Chandler closed the public hearing at 7:46 p.m. in order to vote on the rezoning requests.

On motion by Supervisor Eberly, seconded by Supervisor Breeden, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - ABSENT; the Board, subject to the attached proffers, approved REZ17-056. Hickory Hollow Christian School, 7603 Smiley Lane, Bridgewater, VA 22812, to rezone a 0.641-acre portion of TM# 123-(A)- L3A, located northwest of Mason Street (Route 257) approximately 700 feet northeast of Limestone Lane (Route 737), from General Agricultural District (A2) to Neighborhood Business District with conditions (B2-C). The Comprehensive Plan identifies this area as Mixed Use. Election District 2.

*(Proffers are attached to and made a part of these minutes)*

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Before any further voting, Chairman Chandler went back to the TMC Harrisonburg, LLC, rezoning request to receive public comments.

Seth Roderick from Valley Engineering was present on behalf of TMC Harrisonburg LLC. He reviewed reasons for the request and was available for questions.

No one spoke in opposition to the request.

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Supervisor Chandler stated that he could see no reason to deny the request and asked for a motion of approval on his behalf for REZ17-061.



On behalf of Chairman Chandler, on motion by Supervisor Eberly, seconded by Supervisor Breeden, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - ABSENT; the Board, subject to the following proffers, approved REZ17-061 TMC Harrisonburg, LLC, 10100 Business Parkway, Lanham, MD 20706, to rezone 33.055 acres, TM# 125-(A)- L213, 125-(A)- L214, 125-(A)- L215, and 126-(A)- L3, located southwest of Spotswood Trail (Route 33) north and south of Stone Spring Road (Rt 280), from General Business with conditions (B1-C) to General Business with Conditions (B1-C). The Comprehensive Plan identifies this area as Mixed Use. Election District 3.

*(Proffers are attached to and made a part of these minutes)*

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Since Mr. Heatwole's rezoning request and special use permit requests were related, County Attorney Miller suggested hearing the special use permit request comments prior to action on either item.

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**PUBLIC HEARING – SPECIAL USE PERMIT.**

At 7:55 p.m., Chairman Chandler opened the public hearing and Ms. Stultz reviewed the following request:

SUP17-059 Willis L. Heatwole, 1147 Bethel Church Road, Elkton 22827 for an (agricultural) machinery and equipment center and a motor vehicle repair shop on the south side of Bethel Church Road (Route 636) approximately 1100' west of River Road (Route 635), Election District #5, zoned A-1, Prime Agriculture to be rezoned to A-2, General Agriculture, tax map #114-(A)- L127. Property address: 1147 Bethel Church Rd., Elkton.

Supervisor Breeden confirmed with Ms. Stultz that the poultry house entrance would be used for the garage and not the entrance through the cattle guard.

In addition, for the Boards clarification, Supervisor Breeden noted that Mr. Heatwole obtained the proper permits to construct the farm building to work on his own equipment. Supervisor Breeden confirmed with Community Development staff that no land disturbance permit was necessary, as the construction area was less than 10,000 square foot.

Lawrence Hensley, Jerlyn Coblenz, Garfield Freeze, Jr., Allen Nicholson and James Heatwole spoke in favor of the request.

In response to a concern from Kim Sandum, Ms. Stultz explained that lighting is not required as a condition of the special use permit, since downward lighting is already a requirement of County Code.

Andrew Baugher spoke in opposition, pointing out that there are no conditions to the request to include lighting requirements, hours of operation, or signage. Additionally, he said there are four criteria that must be met to grant the permit, none of which are met in his opinion, as there are no commercial uses adjoining the parcel in question. Traffic and noise are detrimental to the character of adjacent land, the motor repair shop is not consistent with the comprehensive plan, and the use supports the interest of a single landowner, not the public, he said. Traffic and environmental issues were also major concerns of Mr. Baugher. He stated that the County has a Comprehensive Plan and zoning code to protect the character of the community. He said it is not proper to make exceptions to those rules when the applicant has provided no basis that an exception is warranted.

Chairman Chandler closed the public hearing at 8:16 p.m.

For clarification, County Attorney Miller explained that the applicant requested to rezone the property from A-1 to A-2 and requested a special use permit to repair farm equipment and automobiles. One option, as a matter of land use, would be to approve farm equipment repairs, but not the automotive repairs. Mr. Miller noted that if that was the Board's pleasure, there will still need to be a special use permit for farm equipment repairs in the A-1 District. Thus, the property will not need to be rezoned, but a special use permit will need to be issued for the farm equipment repairs. Mr. Miller indicated that is why he suggested hearing all comments regarding the rezoning request and special use permit before the Board considered action. The special use application is for farm equipment repairs and automotive repairs, but given the comments heard, the Board could authorize usage to farm equipment repairs only without receiving a new application or holding another public hearing.

Additionally, County Attorney Miller stated that proffers from the applicant are appropriate when conditional zoning is requested. When a special use permit is requested, proffers are not necessarily made. The Board can impose conditions as it wishes.

Ms. Stultz noted that hours of operation are spelled out under supplemental standards, and lighting and signage are both regulated by County Code.

Supervisor Breeden indicated that he initially planned to move forward with the rezoning. After County Attorney Miller's comments and two requests made by Board members to visit the property, he moved to table the request. He requested the Board visit the property before the next Board meeting.

Seconded by Supervisor Eberly, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - ABSENT; the Board tabled REZ17-058 Bethel Bend Farm, Inc. 1147 Bethel Church Road, Elkton VA 22827, to rezone a 7.7-acre portion of TM#114-(A)-L127, located on the south side of Bethel Church Road approximately 1100' west of River Road, from Prime Agricultural (A-1) to General Agricultural (A-2). The Comprehensive Plan identifies this area as Agricultural Reserve. Election District 5.

Supervisor Breeden pointed out that the special use permit cannot be acted on without a decision on the rezoning request. He said it appears most concerns are related to the special use permit. He will let Mr. Heatwole and Mr. Baugher know when the Board will visit.

On motion by Supervisor Breeden, seconded by Supervisor Eberly, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - ABSENT; the Board tabled Willis L. Heatwole, 1147 Bethel Church Road, Elkton 22827 for an (agricultural) machinery and equipment center and a motor vehicle repair shop on the south side of Bethel Church Road (Route 636) approximately 1100' west of River Road (Route 635), Election District #5, zoned A-1, Prime Agriculture to be rezoned to A-2, General Agriculture, tax map #114-(A)- L127. Property address: 1147 Bethel Church Road, Elkton.

In response to a question, Ms. Stultz indicated that Mr. Heatwole may continue to operate as long as he is actively pursuing the proper permits.

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## **ADJOURNMENT.**

Chairman Chandler declared the meeting adjourned at 8:25 p.m.

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Chairman